

FILED 09 MAR 02 12:18 USDC ORP

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ROBERT ANDERSON,

08-CV-869-HU

Plaintiff,

ORDER

v.

V.A. HOSPITAL and
UNITED STATES,

Defendants.

BROWN, Judge.

Magistrate Judge Dennis James Hubel issued Findings and Recommendation (#47) on January 23, 2009, in which he recommends this Court grant Plaintiff's Motion to Dismiss (#45) without prejudice and deny as moot Defendants' Motion for Summary Judgment (#32). The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b).

Because no objections to the Magistrate Judge's Findings and

Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. *Britt v. Simi Valley Unified School Dist.*, 708 F.2d 452, 454 (9th Cir. 1983) (rev'd on other grounds). See also *Lorin Corp. v. Goto & Co.*, 700 F.2d 1202, 1206 (8th Cir. 1983). Having reviewed the legal principles *de novo*, the Court does not find any error.

CONCLUSION

The Court **ADOPTS** Magistrate Judge Hubel's Findings and Recommendation (#47). Accordingly, the Court **GRANTS** Plaintiff's Motion to Dismiss (#45) **without prejudice** and **DENIES** as moot Defendants' Motion for Summary Judgment (#32).

IT IS SO ORDERED.

Anna J. Brown
DATED this 27th day of ~~February~~, 2009.

Anna J. Brown
ANNA J. BROWN
United States District Judge